

# United States Court of Appeals For the First Circuit

## DOCKETING STATEMENT

No. 16-1137

Short Title: Commonwealth of Massachusetts et al v. Aquinnah

### Type of Action

- Civil  
 Criminal/Prisoner  
 Cross Appeal

#### A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from 1/5/2016
2. Date this notice of appeal filed 2/1/2016  
If cross appeal, date first notice of appeal filed n/a
3. Filing date of any post-judgment motion filed by any party which tolls time under Fed. R. App. P. 4(a)(4) or 4(b) 12/29/2015
4. Date of entry of order deciding above post-judgment motion 1/5/2016
5. Filing date of any motion to extend time under Fed. R. App. P. 4(a)(5), 4(a)(6) or 4(b) n/a  
Time extended to n/a

#### B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits?  Yes  No
2. If no,
  - a. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed. R. C. P. 54(b)?  Yes  No  
If yes, explain \_\_\_\_\_
  - b. Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule?  Yes  No  
If yes, explain \_\_\_\_\_

#### C. Has this case previously been appealed? Yes No

If yes, give the case name, docket number and disposition of each prior appeal

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#### D. Are any related cases or cases raising related issues pending in this court, any district court of this circuit, or the Supreme Court? Yes No

If yes, cite the case and manner in which it is related on a separate page. If abeyance or consolidation is warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below?  Yes  No  
 If yes, is a transcript necessary for this appeal?  Yes  No  
 If yes, is transcript already on file with district court?  Yes  No
- F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.
1. Adverse party Aquinnah/Gay Head Community Association, Inc.  
 Attorney James L. Quarles, III; Felicia H. Ellsworth; Oramel H. Skinner, III  
 Address 60 State Street, Boston, MA 02109  
 Telephone 617-526-5000
  2. Adverse party Town of Aquinnah  
 Attorney Ronald H. Rappaport; Michael A. Goldsmith;  
 Address 106 Cooke Street, Edgartown, MA 02539  
 Telephone 508-627-3711
  3. Adverse party Commonwealth of Massachusetts  
 Attorney Bryan F. Bertram; Carrie M. Benedon; Juliana deHaan Rice  
 Address One Ashburton Place, Boston, MA 02108  
 Telephone 617-963-2583
- G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.
1. Appellant's name Wampanoag Tribe of Gay Head (Aquinnah)  
 Address 20 Black Brook Road, Aquinnah, MA 02535  
 Telephone 508-645-9265  
 Attorney's name Scott Crowell  
 Firm Crowell Law Offices-Tribal Advocacy Group  
 Address 1487 W. State Route 89A, Suite 8  
 Telephone 425-802-5369
  2. Appellant's name The Wampanoag Tribal Council of Gay Head, Inc.  
 Address 20 Black Brook Road, Aquinnah, MA 02535  
 Telephone 508-645-9265  
 Attorney's name Scott Crowell  
 Firm Crowell Law Offices-Tribal Advocacy Group  
 Address 1487 W. State Route 89A, Suite 8  
 Telephone 425-802-5369

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)  Yes  No

Fed. R. App. P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. 1st Cir. R. 12.0 requires that statement in the form of an appearance.

Signature /s/ Scott D. Crowell  
Date February 23, 2016

Additional pages:

**Appellants and ADDITIONAL COUNSEL**

1. Appellant's name: Wampanoag Tribe of Gay Head (Aquinnah)  
Address: 20 Black Brook Road, Aquinnah, MA 02535  
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Attorney's name: Lael Echo-Hawk  
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20007  
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Attorney's name: Bruce A. Singal  
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Attorney's name: Elizabeth J. McEvoy  
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2. Appellant's name: The Wampanoag Tribal Council of Gay Head  
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3. Appellant's name: The Aquinnah Wampanoag Gaming Corporation  
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### **Third-Party Defendant/Appellant and Counsel**

1. Appellant's name: Charlie Baker-in his official capacity as Governor of Commonwealth of Massachusetts  
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Attorney's name: Bryan F. Bertram  
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2. Appellant's name: Stephen Crosby- in her official capacity as Attorney General of the Commonwealth of Massachusetts  
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Attorney's name: Carrie M. Benedon  
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Attorney's name: Bryan F. Bertram  
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3. Appellant's name: Stephen Crosby, in his official capacity as Chairman of the Massachusetts Gaming Commission  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2016 I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that the foregoing document will be sent to all counsel of record via the Court's Case Management /Electronic Case Filing (CM/ECF) System.

Date: February 23, 2016

*/s/ Scott D. Crowell*  
SCOTT D. CROWELL